

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(Richmond Division)**

JAMES RYALS, JR. et al.,

Plaintiffs,

v.

HIRERIGHT SOLUTIONS, INC., et al.,

Defendants.

Civil Action No. 3:09cv625

JOINT MOTION TO STAY PROCEEDINGS

Plaintiffs and Defendants, by counsel, jointly move for entry of a Consent Order Staying Proceedings Pending Mediation. In support of this motion, the parties represent as follows:

1. This case is pending in this Court with both individual and putative class claims. The Complaint was filed on October 5, 2009.

2. The Court entered an agreed scheduling order providing for a two-phase discovery process. The Court thereby set the following deadlines for completion of Phase I of the case:

<u>Activity</u>	<u>Deadline</u>
Deadline to serve Fed. R. Civ. P. 26(a)(2)(B) expert reports as to Phase I issues	July 30, 2010
Deadline to serve responsive expert reports	August 20, 2010
Deadline to serve remaining L.R. 26(D)(2) disclosures	August 27, 2010
Close of Phase I fact discovery (including depositions and production of written discovery)	September 10, 2010
Deadline for Phase I expert depositions	September 10, 2010
Deadline to file motions for summary judgment as to claims of named Plaintiffs on Phase I issues	September 17, 2010
Deadline to file motions regarding class certification	September 24, 2010

3. The parties have met the current deadlines and are presently engaged in substantial discovery by means of Interrogatories, Requests for Production, Requests for Admission, non-party subpoenas and various party and non-party deposition notices.

4. Defendants Altegrity, Inc., USIS International, Inc., and Explore Information Services, LLC have filed a Rule 12(b)(6) Motion to Dismiss (alternatively a Motion for Summary Judgment), and HireRight Solutions, Inc. has answered. All Defendants have filed a Motion to Transfer Venue. These motions remain pending before the Court.

5. The parties have exchanged substantial information with each other party and believe they presently have a sufficient understanding of each parties' claims, defenses and positions to commence a meaningful mediation process.

6. Counsel for the Plaintiffs and Defendants have agreed upon a procedural framework for discussing the possibility of settlement, including (a) appointment of a Magistrate Judge to monitor settlement; (b) exchanging limited additional information concerning claims and defenses; and (c) and hiring a private mediator to conduct multiple mediation sessions under the supervision of the Magistrate Judge.

7. Accordingly, the Parties ask that a Magistrate Judge be appointed to supervise and monitor the settlement process through private mediation. The Parties suggest that this case be stayed for 60 days or until such time as the Magistrate Judge concludes that the settlement effort has run its course and that it is appropriate to restart active litigation. The parties also ask that the Magistrate Judge be authorized to extend this stay as he concludes is necessary to facilitate the settlement process.

8. Attached as Exhibit A is a proposed Agreed Order. A version of the Order bearing the endorsements of counsel will be submitted in due course.

WHEREFORE, Plaintiffs and Defendants, by counsel, hereby request that the Court enter an Order as follows: (1) staying all proceedings, including the case deadlines for serving or filing disclosures, discovery responses, motions and other pleadings until further order of the Court; and (2) appointing a Magistrate Judge to supervise and monitor settlement discussions, to order from the parties at his discretion any status report(s) and to extend the stay and case deadlines as he concludes appropriate to facilitate settlement.

COUNSEL FOR PLAINTIFFS

_____/s/
Leonard A. Bennett
Virginia Bar No. 37523
CONSUMER LITIGATION ASSOCIATES P.C.
12515 Warwick Boulevard, Suite 100

Newport News, VA 23606
Telephone: (757) 930-3660
Facsimile: (757) 930-3662
Email: lenbennett@cox.net

COUNSEL FOR DEFENDANTS

/s/

Amy R. Davis
Virginia Bar No. 72872
WILLIAMS & CONNOLLY LLP
725 12th Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5000
Facsimile: (202) 434-5029
adavis@wc.com

Dane H. Butswinkas (VA Bar No. 30562)
dbutswinkas@wc.com
Frank Gregory Bowman (Admitted *Pro Hac Vice*)
fbowman@wc.com
Daniel P. Shanahan (Admitted *Pro Hac Vice*)
WILLIAMS & CONNOLLY LLP
725 12th Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5000
Facsimile: (202) 434-5029

CERTIFICATE OF SERVICE

I hereby certify that, on August 16, 2010, I will electronically file the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Matthew James Erausquin
Consumer Litigation Associates PC
1800 Diagonal Road
Suite 600
Alexandria, VA 22314
703-273-6080
Fax: 888-892-3512
matt@clalegal.com

Christopher Colt North
751-A Thimble Shoals Blvd.
Newport News, VA 23606
(757) 873-1010
cnorthlaw@aol.com

Leonard Anthony Bennett
Consumer Litigation Assoc PC
12515 Warwick Blvd
Suite 100
Newport News, VA 23606
757-930-3660
Fax: 757-930-3662
lenbennett@cox.net

Matthew Anderson Dooley
Dennis Michael O'Toole
Anthony Rocco Pecora
Stumphauzer, O'Toole, McLaughlin,
McGlamery & Loughman, Co., LPA
5455 Detroit Road
Sheffield Village, OH 44054
(440) 930-4001
dotoole@sheffieldlaw.com

Attorneys for Plaintiffs

/s/ Amy R. Davis

Amy R. Davis
VA Bar Number 72872
Attorney for Defendants
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
(202) 434-5000
(202) 434-5029 (facsimile)
adavis@wc.com